IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 653 of 2006

Virendra Verma S/o Bishamber Datt
R/o B-40 Avas Vikas Colony Roorkee
Police Station Gangnahar
District Haridwar presently posted
Executive Engineer Nirman Khand
Public Works Department Bajero
District Pauri Garhwal ... Applicant

Vs

1. State of Uttaranchal
2. Smt. Madhu Singh W/o Late Omveer Singh Chauhan
   D/o Baleshwar Singh Rathore
   R/o 459 – Avas Vikas Colony
   Police Station Gangnahar Roorkee
   District Haridwar ... Opp. Parties

Sri Vivek Shukla, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicant/petitioner who is facing trial in Complaint Case No. 1625 of 2003 Smt. Madhu Singh Vs Virendra Kumar Verma under Section 420 I.P.C. pending in the court of Special Judicial Magistrate, Roorkee, District Haridwar.

2. Brief facts giving rise to this petition are that opposite party No. 2 lodged the criminal complaint against the petitioner. Thereafter, learned Magistrate examined the complainant under Section 200 and the witnesses under Section 202 Cr.P.C. After having perused the evidence on record and hearing learned counsel for the parties, learned Magistrate on 06.12.2003 summoned the present applicant under Section 420 I.P.C.

3. Heard Sri Vivek Shukla, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. After having considered the arguments of the learned counsel for the petitioner, I am of the view that there is no abuse of process of court in this case. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence, at this stage. Any judgment rendered by me would amount to premature judgment, especially under the circumstances where the evidence is yet to be adduced before the court concerned.

5. I do not find any ground for quashing the criminal proceedings at this stage. Therefore, the petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

10.08.2006
ASWAL